IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 13547 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JIGNESHBHAI MAHENDRABHAI PARIKH AND ANOTHER
Versus
STATE OF GUJARAT AND ANOTHER

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Appearance :
MR BN LIMBACHIA for the Applicants
MR MR MENGDE, APP for Respondent No.1
MR SN GAJENDRAKAR for Respondent No.2

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 16/11/2007

ORAL JUDGMENT

1. **RULE.** Mr. M.R. Mengde, learned Additional Public Prosecutor and Mr. S.N. Gajendrakar, learned advocate, waive service of Rule for respondent Nos.

1 and 2 respectively.

2. With the consent of the parties, the matter is taken up for final hearing.

3. The applicants have prayed to quash and set aside the proceedings of Criminal Case No.738 of 2004 pending before 5th Civil Judge (S.D.) & JMFC, Ahmedabad (Rural).

4. The complaint was filed by the officer of respondent No.2 bank against the applicants on the ground that the documents submitted to the bank while obtaining housing loan were false and fake.

5. The learned advocate for the applicants has submitted that the parties have amicably settled the dispute between them and the amount in question has already been paid by the applicants. He, therefore, submitted that with the consent of the parties, the complaint may be quashed.

6. Mr. S.N. Gajendrakar, learned advocate for the original complainant- respondent No.2, states that Bank Manager Shri Richard Rodrigues of AXIS Bank, Vejalpur Branch is present and he admits that the parties have settled the issue.

7. In the case of Rajeshbhai Natwarlal Agrawal and others Vs. State of Gujarat, reported in 2005(3) GLH page 504, this Court has held that when the dispute

is amicably settled, continuation of such proceedings has no consequence and the parties may not be relegated to drag on the litigation.

8. In view of the settlement between the parties and in view of the above settled law, the proceedings of Criminal Case No.738 of 2004 pending before 5th Civil Judge (S.D.) & JMFC, Ahmedabad (Rural) are hereby quashed and set aside. Rule is made absolute accordingly. Direct service is permitted.

(K.S. JHAVERI, J.)

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